

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO.: 05-11745RWZ

BARBARA DEIGHTON HAUPT, Trustee )  
of BD REALTY TRUST, )  
Plaintiff )  
 )  
v. )  
 )  
THE TOWN OF WAREHAM acting by )  
and through the BOARD OF )  
SELECTMEN OF THE TOWN OF )  
WAREHAM, and the BOARD OF )  
SELECTMEN OF THE TOWN OF )  
WAREHAM, )  
Defendants )

**STIPULATION OF DISMISSAL OF COUNT ONE (BAD FAITH TAKING) OF  
COMPLAINT (WITH PREJUDICE AND WITHOUT COSTS)**

Pursuant to Fed. R. Civ. P. 41(a)(1)(ii) each party to this action stipulates and agrees that  
Count One (Taking By Eminent Domain in Bad Faith) in the above-captioned action be  
dismissed WITH PREJUDICE and WITHOUT COSTS. Each party waives any and all rights of  
appeal as to Count One.

**Plaintiff,**

Barbara Deighton Haupt, Trustee  
BD Realty Trust,  
By her attorneys,

**Defendant,**

Town of Wareham acting by and through  
the Board of Selectmen of the Town  
of Wareham, and the Board of Selectmen  
of the Town of Wareham,  
By its attorneys,

/s/ Kristen M. Ploetz  
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